



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

December 17, 2018

MuckRock
DEPT MR 64226
411A Highland Ave.
Somerville, MA 02144-2516

Dear Ms. Best:

This acknowledges receipt of your Freedom of Information Act (FOIA) requests to the FBI. The FOIPA requests numbers below have been assigned.

FOIA Number	Subject	DEPT MR Number
1424326-000	Jay, Richard	64226
1424329-000	Hill, Ray	64683
1424331-000	Allen, Arthur	64641
1424334-000	Distributed Denial of Service Attacks	65152
1424335-000	Distributed Denial of Secrets	65154
1424336-000	International Cyber Sweep Nets DDoS Attackers	65153

- ☒ Your request has been received at FBI Headquarters for processing.
- ☒ For the purpose of assessing fees, we have made the following determination:
- ☐ As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
- ☒ As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
- ☐ As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).
- ☒ Fee waivers are determined on a case by case basis. See 5 U.S.C. § 552 (a)(4)(A)(iii) and 28 C.F.R. § 16.10(k)(i)-(ii). Your request for a fee waiver was reviewed, and it was denied for one or more of the following reasons.
- ☒ **You failed to demonstrate the requirement that the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government. See 28 C.F.R. § 16.10(k)(i).**
- ☐ Factor 1: The records do not concern the operations or activities of the Federal Government. See 28 C.F.R. § 16.10(k)(2)(i).
- ☒ Factor 2: Disclosure of the requested records would not be

meaningfully informative about government operations or activities in order to be likely to contribute to an increased public understanding of those operations or activities. See 28 C.F.R. § 16.10(k)(2)(ii).



Factor 3: The disclosure of information would not contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the understanding of the individual understanding of the requester. See 28 C.F.R. § 16.10(k)(2)(iii).



Factor 4: The public's understanding of the subject in question would not be enhanced by the disclosure to a significant extent. See 28 C.F.R. § 16.10(k)(2)(iv).



Please be advised that we have determined “unusual circumstances” apply to the processing of your request. See 5 U.S.C. § 552 (a)(6)(B)(iii). “Unusual circumstances” include the following scenarios:

There is a need to search for and collect records from field offices and/or other offices that are separate from the FBI Record/Information Dissemination Section (RIDS).

There is a need to search for, collect, and examine a voluminous amount of separate and distinct records.

There is a need for consultation with another agency or two or more DOJ components.

“Exceptional circumstances” also apply to this the sheer volume, unbounded scope, and size of these requests which may trigger an unpredictable workload for the FBI which cannot reasonably plan for a single requester to consume such a vast quantity of its finite FOIA resources. See 5 U.S.C. § 552 (a)(6)(C)(i).

Per 5 U.S.C. § 552 (a)(4)(C)(iii), as pertinent to “exceptional circumstances,” the FBI is providing you an opportunity to reasonably modify the scope of these requests. You have 30 days from the date of this letter to provide any reasonable modification

These “unusual” and “exceptional” circumstances will delay our ability to make a determination on your requests with multiple subparts. Additionally, the payment of pertinent fees may apply to your request. See 5 U.S.C. § 552 (a)(4)(A)(viii).

Please check the status of your FOIPA request at www.fbi.gov/foia by clicking on **FOIPA Status** and entering your FOIPA Request Number. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@ic.fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", followed by a stylized flourish.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division